App F IX 4

Previous References
MC & G-43. 4/-5

1944-45
(ML)

File No 170-43
Serial Nos 1, 2, 4, 5

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Four

Part B for July 44

SUBJECT

one Mr G S Mahadevappa, Merchant, Gubbi making certain allegations against the Amildar in charge of the Gubbi Town Municipality

Filed

petition dated 10 9 43 from Mr
P S Mahadevappa, merchant, Gubbi,
making certain allegations against
the Amildar - ~~President~~ incharge of the
Gubbi Town Municipality in connection with the
elections for the reconstitution of the
Local Board (2
~~petition~~ A copy of the petition from the
same gentleman addressed to the
D C Tumkur ~~Dist~~ in the same matter

2. Beyond the above petitions,
no further report has been received
on the subject either from any person
or from the D C Tumkur.
As it is necessary to know the
exact position with regard to the
allegations made in the petitions, it
is desirable to get a report from
the D C Tumkur on the matter
within three days and then determine
the action, if any, to be taken
either to postpone the elections &
see that the Board is constituted
1 1 1944 instead of 15 x 43
now ~~notified~~

My draft D O is for favour of
your
Law Secy

1) Assistant Secy
Rural Dept

11/9/43

petition dated 10/3/43 from Mr S Mahadevappa, merchant, Gubbi, making certain allegations against the Amildar - ~~President~~ incharge of the Gubbi Town Municipality in connection with the elections for the reconstitution of the Municipal Council

A copy of the petition from the same gentleman addressed to the Deputy Commissioner in the same matter

It is requested that beyond the above petitions, no further reports have been received on the subject either from any person or from the Deputy Commissioner. As it is necessary to know the exact position with regard to the allegations made in the petitions, it is desirable to get a report from the Deputy Commissioner on the matter within three days and then determine the action, if any, to be taken thereafter either to postpone the elections or to see that the Municipal Council is constituted from 1/1/1944 instead of from 15 x 43 as now directed.

Draft D/- is for perusal please

Yours Lawrence 14/9/44

(4) Secretary 3/Env 14/9/44

1760 — re the re-distribution of publicity el

Continuation Sheet 2 File No Current No Hist C of Page

To,

The D C Thanjavur

No L 32 & 0 dt 15 9 43

calls for a report in the matter

Sec A
May 16/9
NN

a) The D C was requested to send a report within Three days from

b) As no information has so far been received, addl telegram is published for orders

Mra 23/9/43

Lawley for
23/9/43

c) As
23 9 43

d) Pressure
23/9/43

~~Details~~ Telegram issued dt 23 9 43

e) D O letters also published

Mra 24/9

Issue attested
24/9/43

To

The D C Thanjavur West-

Rc No L 3664 dated 24-9-43

Requested to send the report by return of post-H

Letter No A 6 Cl 3764/43-44 dated 26-9-43 from the D C Thanjavur West- furnishing a report in the matter

Reconstitution of the Gubbe Town M.L

Continuation Sheet | M.L File No / Current No | 3 | of 4-3 | Page

Flag P

11) In this office letter dated 24-8-43 the D.C Trunkline was instructed to re-establish the superseded Gubbe Town Municipal Council with effect from 15-10-43 The Secretary in charge of the Gubbe Town Municipality has arranged to hold the municipal election on 30/10/43, on the basis of the old Voters list. Some of the inhabitants of the Gubbe Town Municipality have preferred objection petitions on the ground that the voters' list has not been revised

12) The D C Trunkline has reported that as there was no time to prepare a revised Voters list the election has been arranged to be held with the existing roll. As the existing Voters list was prepared about six years back it is necessary that it should be revised, as otherwise several qualified persons are likely to be omitted. In this year the voters list will have to be revised before the election could be held - vide Rule 11 of the T.M. Act 1933 & Rule 3 of the Town Municipal Rules

13) Submitted for orders. Shall the proposal for a new electoral roll be made under the rules?

25/4/43

Land Officer

14) Election more than three years

Re-constitution of the Gubbo Town Hall

Continuation Sheet | ML File No 2021/2 Current No | of 43 | Page

Since the Electoral Roll was prepared a new Roll must be prepared as required by S 11 (2) of the Act & S 32 of the Electoral Rules (5) So the next thing would be to dissolve the Municipal Council and the year of the Re-Constitution will be effective June 1-1-1944

Mun Ass S G. Cos 25-8-43 for W/S/WS

OFFICE OF THE MINISTER FOR L S G & P H
Date 27 8 43
No. 2134

16) The reconstitution may come into effect from 1 11 43 with a new electoral roller as present electoral roll is nearly 6 years old

17) The whole thing could have been avoided if the builder had taken timely action to seek Court order about suspension

Even after the publication of the calendar of events, the allegations was that the Municipal returning officer did not dispose of the objection petitions but is taking unfair measures

Serial No	
	explanation of the refusing officer may be obtained I am afraid that the campaign election might begin on and it prevent further [illegible] hardship the order of prohibiting the council from [illegible] may be withdrawn and the proceedings stayed
	Sd. 26 9 43,
	Sd 27 [illegible]
	18) draft were sent for approval
	Sd [illegible] 19) 27/9/43
Sd/- approved by the Secretary to the Govt of Punjab	Sent with two drafts 20) Issued vide No 2899 dated 27/9/43
2	To,
	The Dy Commr Thal.
	The Comptroller
	The Comptroller, Govt Gazette
	Memo No 3835-8 dt 28 9 43
	Directs that the suspension of the Sub-Div Town Committee be extended upto 31-12-43
3	To,
	The Dy Commr Thal

NOTE—Contn Sheet

WD 04155—GPB—55 000—23 10 41

Serial No

L 3839. dt 28. 9 43
Notes call an observations on the matter and calls for the explanation of the Returning Officer

From the D C Thanjavur Dl. 4
No A 6 c 374/43 dt 27-10-43
furnishes the explanation of the Asst Returning Officer Kumbakonam Taluk

Subject -

The explanation of the Assistant Resident of the Kumbakonam Taluk and also for the delay in seeking sanction about the continuance or otherwise of the suspension of the Local Fund Official was called for

The explanation of the Assistant is submitted for perusal and the D C in the enclosures states in the 10 D, observes that, as there is no deliberate neglect of duty on the part of the Assistant and his action appears to be bona fide, x p

Constitution of Gubbi Town Municipal Council

no further action appears to be called for"

27) subject to the reference to paras 16 and 17 supra

Hon'ble 20/11 23) The explanation of the Sheristadar Gubbi Taluk is submitted for perusal, in order with regard to paras 16 & 17 supra. He considers that "there was no deliberate neglect of duty on the part of the Sheristadar and his action appears to be bonafide"

24) Lawrence 24/11/43

25) Above mentioned Report received

Under Secy SG 25-11-43

26) Some more case is necessary to deal with pages from the petitioner explaining why action was not taken as in para 17

27) 6-12-43

28) 6-12-43

29) Draft letter is submitted

Hon 21/12/43 30) Approved 22/12/43

SEOY LAW DEPT 5225 27 OCT 1943 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Date 25 11 43 No 3345

TYPING SECTION 22 DEC 1943 GEN & REV SECTT

has been given as to why he did not
take timely action to seek
orders of court about the continuance
or otherwise of the period of suspension of the bail,
as called for in the earlier portion of
para 2 of this office letter of 28-9-43
His explanation on this point may kindly
be obtained & forwarded to court immediately

Shave etc
for 2 I/c (Mil)
Dy Secy, Home Dept.

Confidential
& Immediate

A 262-43
Ambasamudram

References
VI

Public Auditors
Report No 14 E 25
dated 20 9 43 43 44

Memo

Submitted to the Deputy commissioner Tenkasi District with reference to his D.O. letter No A6 C 374/43 44 dated 16 9 43 Agreeably to the G.O. order No L-1908 II and S6-43-3 dated 16th August 943 directing the re-establishment of the Municipal Council with effect from 15-10 43, action was taken to publish a calendar of events in which certain items viz a) presentation of claims & objections b) disposal of claims & objections & c) communication of orders to the persons concerned could not be included for want of sufficient time In accordance with the calendar of events, there is no provision for hearing objections and the final publication of the old electoral roll is itself the basis on which the present election has to be held for the restoration of the Council In these circumstances, the petitioners can have no real grievance The petition together with the Auditors report accompanies

Sub Collector
9 21 9 43

No 12

Office of the Amildar In charge
Town Municipality
Dated Gubbi 20 9 '43 ~~1942~~

HC 2125/43-44 Com

THE AMILDAR IN-CHARGE
TOWN MUNICIPALITY
GUBBI

To The Sub-Division Officer
Gubbi Sub Division
Tumkur

9/1656 Sir

P 21/9/43 No Camp A dated 17 9 43 Calling for a report on the petition of Mr G S Mahadevappa Sent together with D O Letter No A 6 C 374/43 44 dated 16.9 43 from the Deputy Commissioner Tumkur District I beg to Remit as hereunder

On the receipt of G O L 1347/4. dated 30 7 43 Communicated to this office on 3rd August 43 immediate action was taken to prepare a Voters' List and push on the election for the reconstituted Municipal Council, Gubbi, so that the entire proceedings might get completed by 1st January 1944 when the new Council might assume office It is in Connection with this alone that a Voters' list was published and objections were

NS 20/9/43

were called therefor

In the mean while the G.O No L 1908-11/M L 56-43-3 dated 14th August 43 was received as also the orders from the Deputy Commissioner that the Gubbi Town Municipal Council should be re-established with effect from 15th October 1943

A Calender of events was prepared and submitted to the Deputy Commissioner and definite instructions were sought for by this office from the Deputy Commissioner on several matters ~~pertaining~~ in this office letter dated 18th August 1943 The difficulty that a new Electoral Roll had to be prepared and that the time limit fixed for the reconstitution of Municipal Council would not allow sufficient number of days for the preparation of any such roll had to be solved Orders however were received

T.O.18
20/9/43

No

14 Office of the Amildar In charge
Town Municipality

Dated Gubbi 1942

From

THE AMILDAR IN-CHARGE
TOWN MUNICIPALITY
GUBBI

To

Sir

3

Received from the Deputy Commissioner in letter dated 20th August 1943, stating that a reference had been made to Government on the several points mentioned by this Office and expressly asking this Office to proceed with the reconstitution work pending the orders from above. The Deputy Commissioner has also been pleased to approve the Calender submitted to him with some slight alterations.

The Calender of events and the old Voters List were duly published as per orders referred to above; awaiting in the meanwhile for Clarification of the ~~Govt~~ Government Order of 15th August 4

NS 28/9/43

On the point of preparation of fresh Electoral Roll HC submitted here, that objections to old Voters' List were only called for, as a matter of abundant precaution in the event of any final order from Government that a fresh list should be prepared and sufficient time would be given therefor

Action however has necessarily been continued to be taken on the old Voters' list in which event any objection to it need not be considered at all, as the old list alone would necessarily constitute the final one there could therefore be no addition to or deletion from the old list Any objections therefore have had to be thus disposed of, and this fact has been reported to the Deputy Commissioner with HC No 21 dated 12 9'43 And there was no question of objection at all as per revised Calendar event

Jones 20/9/43

No 16 Office of the ~~Amildar In charge~~ Town Municipality

Dated Gubbi 1942

From

THE AMILDAR IN-CHARGE
~~TOWN MUNICIPALITY~~
GUBBI

To

Sir

5

Therefore, it is submitted that there are neither "omissions of nor non compliance" with provisions, as has been suggested by the petitioners. They could have had grievances when their objections had not received proper consideration only in the event of preparation of fresh list it need not be stressed that for every action taken, this office has sought for instructions from above

In regard to interpretation of Provisions 11(1) a and 11(1) b of Municipal Regulation the petitioners have labored to show that procedure mentioned in 11 (1) b has to be followed even in case of application of the

ZMS
2/9/43

Proviso, 11(1) a OC is sufficient to state that both of them are separate Provisos to the rule 11 and one has no reference to the other. 11(1) a speaks of the procedure to be adopted in an exceptional case as the present one and 11(1) b refers only to rule 11(1) and not to 11(1) b at all OC is abound to suggest that the old list as per 11(1) a is a preliminary list only and not the final one.

In any event instructions from above have been strictly followed by this Office in the applications of provisions in the matter of reconstitution

Mr Gattappa has no Khata in his name, and his name could not be included in the old voters list, When it was prepa. He got an application from his brother, Mr. Gattireramma to get

No 18

Office of the Amildar In charge
Town Municipality

Dated Gubbi 1942

From

THE AMILDAR IN-CHARGE
TOWN MUNICIPALITY
GUBBI

To

Sir

7

the Shop tax Khata transfered to his name. Sh. Gatterevanna was issued a notice to appear before this office on 17-9-43 to give his statement Consenting to transfer the Khata in favour of Sh Gattappa. Sh Gatterevanna has given his statement on 16-9-43, in this behalf and it is pending orders Sh Gattappa has taken back the Stamp paper, presented by him, back after being convinced that he is not eligible to be a voter

I humbly beg to state that any matter relating to reversion of the Old

Issued 20/9/43

Voters' list pertains to Government
Regarding the procedure
adopted on the reconstitution,
I need only submit,
Provisions of Law have
been entirely complied
with and Care has been
taken to see that no
injustice results therefrom

The petition, received
with your Memo No. quoted
above is herewith enclosed

I beg to remain Sir
Your most obedient
Servant
Francis Rogers
Boundary in charge
of Gubbi Town Municipal
Council Gubbi

CONFIDENTIAL

D O No AS C 374/43-44
Enc one petition

Deputy Commissioner's office,
Tumkur, 16th Sept 43

Dear sir,

I am desired to send enclosed herewith a petition in original dated 10th September 43 received with D O Letter No L 3280 dated 15th September 43 from the Secretary to Government Law Department, calling for a detailed report on the petition of Mr G.S Mahadevappa, Merchant, Gubbi, complaining of certain irregularities in connection with the revision of the electoral rolls for the general elections to the Gubbi Town Municipal Council, in three days and to request that the report called for may kindly be sent in two days without fail, on all the points raised in the petition along with the report. The enclosed petition may also kindly be returned

yours sincerely,

A Viswanath

To

K M Narasimhaiya, Esqr, B A,
Sub Division Officer,
Gubbi

Tues 3/17/9 Amildar Gubbi Comp No 1 forwarded herewith. Amildar Gubbi forwarded to me T B Narayana Raju Rev BA on the several points alleged in the petition by return of post. The report should reach the undersigned before tomorrow evening. K-M Narasimhaiya Subdivl officer 17.9.43

19-9-43 C I Amildr Gubbi

Before the Minister for Local Self Government and Public Health,

Government of His Highness The Maharaja of Mysore, Bangalore

In the Matter of general elections to the reconstituted town Municipal council of Gubbi

We, the undersigned petitioners, who are claimants to the revision of the election roll of Gubbi Town Municipality beg to state as follows -

The amildar, Gubbi Taluk, who is in charge of Gubbi Town Municipality, published by a notification dated 22-8-43, copies of which were put up at various places in Gubbi town, one of which is herewith annexed A and also by tom-tom in Gubbi Town, that general elections, of members to the re-constituted municipal council would be held on 6-10-43 and that the town had been divided into 6 portions, in each of which at certain places a copy of the voters' list had been put up and that whosoever wanted to prefer claims or objections for the same might do so in writing before 3 p m on 25-8-43 Accordingly, we preferred our claims to him before the said appointed time and waited for the result of the same after the said date After 25-8-43 we were going to the municipal office and making enquiries almost everyday and even more than once a day till 3-9-43 We could not get any definite information till then and the officials in the Municipal office were trying to avoid us

On 3-9-43 we read in the Mysore Gazette dated 2-9-43 about the calendar of events to be adopted for elections to the re-established municipal council of Gubbi Town. We noticed one material ommission therein. There was no mention therein about the previous notification dated 22-8-43 regarding the date before which claims and objections had to be preferred nor any reference to any date before which orders would be made

on the claims and objections preferred to him or any ~~xxx~~ appeal to be filed thereon As usual on 3-9-43 enquiries were made in the municipal office and there the sanitary inspector told us that as neither the chief-officer nor the amildar was present, (as both of them had gone on leave) he could not give any information to us, but we saw that the old election roll which had been published for the information of the public on 22-8-43 continued to be hung up on the municipal notice board, without any alterations We were not able to know why there was no reference made in the calender of events published in the ~~claims and objections had to be preferred to the revised list of 25-8-43 before which date~~ Gazette dated 2-9-43 to the previous notification dated 25-8-43 before which date claims and objections had to be preferred Thereafter one of the undersigned by name G S Mahadevappa preferred an appeal (a copy of which is herewith annexed) before the Deputy Commissioner on 6-9-43 setting forth the various irregularities in the procedure adopted by the Returning Officer and the president of the municipality(both of whom are the same) for conducting the elections to the reconstituted municipal council Arguments were heard on the same day but he has not yet issued any endorsement for the same up till now Another signatory to this petition Viz , Gatti Gattappa had put in a claim which had been supported by a petition of his undivided elder brother, and as he did not receive a copy of the order as per rule 8 (4) of the Town Municipal Election Rules, in spite of his going to the Municipal Office several times ~~to the effect that no copy of the order would be granted,~~ and requesting for the same there, he filed an application in writing with one eight anna stamp for a copy of the same and he received an endorsement dated 2-9-43 to the effect that no copy of the order would be granted at 5 p m on 9-9-43 and it is herewith annexed for kind perusal The endorsement is clearly ante-dated, as he was not informed ~~before~~ of the same before that date, that

he would not be granted a copy of the order rejecting his application His name had been put up on the notice board before, to the effect that his name had not been entered in the voters' list, as he had no khate It is for the change of khata and enrollment as a voter, as a memeber of an undivided family that he had filed the claim before the amildar Why there had been a delay of full 7 days before the endorsement was delivered to Gattappa, it is forthe Municipal authorities to explain and thus it is clear that the procedure adopted in various matters is highly suspicious and questionable and it only shows that all is not well in the municipal office It passes our understanding how and on what grounds and under what section of the Town Municipalities Regulation or Rules thereunder or standing orders of Government, the copy of the order of the amildar in charge of the municipality rejecting his claim cannot be given We have yet to know how trat order could be condidential, as it affects the rights of a citizen to become a voter

Immediately after the supersession of the Municipal Council of Gubbi Town, all the powers and duties were rested in the amildar, Gubbi Taluk, as per orders of Government under sec 202 (2) (b) The notification ~~election roll~~ which has been published as per Rule(9) of the Town Municipal Flection Rules on 2-9-43 in the Gazette dated 28-8-43 Perhaps the preliminary election roll was published on 22-8-43 In spite of our claims preferred before 3 p m on 25-8-43, the old election roll has been published finally in tact unrevised, without any orders being passed by him on consideration of our claims An election roll does not become final under Rule 9 (1), unless it undergoes the procedure laid down under the previous Rule 8 under Sec 11 (1) (a) before the publication of a new election roll, the old election roll, shall continue to operate as the election roll but Sec 11 (1) (b) is mandatory that at

P T O

any time any person whose name is not in the election roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the election roll the name of every such person whose claim is proved to its satisfaction This is clear from what the omildar in charge of the Municipality did at first by notifying the same to the public on 22-8-43, calling for claims and objections and why he has backed out of the same by ommitting it at a later stage in the Gazette is not clear to us The election roll contemplated under Sec 11 (1) (a) is no better than a new list of voters under Rule 3 (1) of the Town Municipal Election Rules The election roll under Sec 11 (1) (a) is subject to Sec 11 (1) (b) Sec 11 (1) (b) read with Rule 8 makes it quite clear that the election roll must be revised to make it final Just like a new list of voters prepared under Rule 3 (1) the old election roll which continues to operate as the election roll is only a preliminary roll and it becomes final only after it undergoes revision as per Sec 11 (1) (b) and Rule 8, as, otherwise, an old election roll prepared years back will be the final election roll years afterwards, without any amendment thereof, in the form of additions or ommissions based on claims and objections At that rate elections would be a farce and the members would never be the real representatives of the public

In the case of superseded Gubbi Town Municipal Council, the omildar in charge of the Municipality exercised all its powers and discharges all its duties and it is he alone that has to consider and pass orders under Rule 8 (4) and communicate a copy of the same to every claimant or objector He has failed to do the same, in spite of our going to the Municipal Officer several times and requesting for the same Except forthe fact that the old election roll shall continue to operate as the election roll which will be the same as a new list of voters, it

it shall be subject to revision, as, otherwise, revision of the same as contemplated under Sec 11 (1) (b) read with Rule 8 becomes impossible of being given effect to

If the old election roll which was prepared more than 6 years back is to be made a final election roll without any revision, it would be approbating what is contained under Sec 11 (1) (a) and reprobating the same under Sec 11 (1) (b) The election roll referred to under Sec 11 (1) (a) is only a preliminary roll and it can never be the final election roll At the time the Returning officer called for claims and objections on 22-8-43, it was more than a month preceding the date fixed for the election viz., 6-10-43 and now it would be offending against the provision under Sec 11 (1) (d) if the old election roll were to be revised For all this, the amildar alone is responsible In the old election roll several persons are dead and several have left the town for ever and as such, the old election roll is a poor replica of what it should be in its revised form All these irregularities committed by the amildar are material errors within the meaning of the explanation of the Town Municipalities Regulation to Sec 20 (5) as they include breaches, ommissions and non-compliance with the provisions of the Town Municipalities Regulation and the Rules made thereunder by Government in the matter of conducting elections and thus vitiate the whole election ab initio

Apart from any action that Government might take against the amildar for these serious irregularitie, we humbly pray for immediate relief by Government, kindly extending the date fixed for the elections and meanwhile ordering the revision of the election roll. The last date fixed for filing candidature applications is 5 p m on 16-9-43 Many of the claimants want to stand as

P T O

candidates and in the absence of their being voters, it is impossible to stand as candidates If the old election roll is continued as a final one in its unrevised form, this list will continue for another 3 years, having a life for 9 years which is unthinkable and never contemplated under the Town Municipalities Regulation or Rules thereunder

Therefore we pray that the beingn Government might kindly pass very early orders, cancelling the procedure adopted by the amildar for conducting the elections and directing a fresh calendar of events, providing for revision of the old election roll

GUBBI
11-9-43

1 G S Mahadevappa S/o Veerappa
Merchant Gubbi

2 Gowr. Gangappa S/o Gowr Eeshwarappa
Merchant Gubbi

3 [illegible]

4 G S. Chickamallappa
Son
Siv-anesthappa
Money lender
Gubbi

5 G Shaik abdulla S/o
Abdul Razack
Fruit merchant
Gubbi

97

Gubbi

D/ 10th Sept 43

From

G S Mahadevappa,

Merchant,

Gubbi

To

The Personal Assistant,

To The Minister for Local Self-Government

& Public Health, Government of His Highness

The Maharaja of Mysore, Bangalore

Sir,

I request you to kindly place the enclosed petition signed by the claimants for the revision of the election roll of Gubbi Town Municipality at the ensuing municipal elections as fixed to come off on 6-10-43 for kind perusal and immediate orders, as we feel that the amildar, Gubbi Taluk, has grossly abused and misused his powers vested in him as president-in-charge of the superseded municipality and Returning officer, under the Town Municipalities Regulation and the Rules framed thereunder

I remain,

Sir,

Yours Truly

G S Mahadevappa

'COPY'

To

The Deputy Commissioner, Tumkur District, Tumkur

Appellant - G S Mahadevappa S/O Veerappa, Merchant, Gubbi

The appellant begs to submit as follows:

1 It was published through a notification dated 22-8-43 from the office of the Amildar who is in charge of the municipalityGubbi Town, that as the Government have ordered the reconstitution of the Gubbi Town Municipal Council, an election of the members would be held on 6-10-43, and that claims for inclusion of names of Voters or other objections to the list published, might be preferred to the returning officer on or before the 25th August 1943

2 Accordingly the appellant preferred a claim on 23-8-43 to be enrolled as a voter in the election roll as he was paying shop tax for the past 4 years at Gubbi Town and was therefore entitled to be included as a voter

3 He has not been communicated with any order on his application as required by R 8 (4) of the election rules Town Municipalities

4 That on 4-9-43 it was published that election would be held on 6-10-43 and places of voting also was contained in the same publication The old election roll was found on the notice board of the Municipal office on 4-9-1943

5 As the appellant has not been served with any order on his claim he has preferred this appeal without any copy of any order

6 The calendar of events as published in the Mysore Gazette dated 2-9-43 is not the same as was published in the notification dated 22-8-43 The old election roll has been published as the final one without any amendment even tho claims in time as were preferred as was required to be done

7 In supersession of the municipal council Government appointed the Amildar, Gubbi Taluk to exercise and perform all the powers and duties of the Municipal council as per Sec 202 (2) (b) of the Town Municipalities Regulation

8 As per Sec 11 (1) (a) of the said Regulation the old election roll continued to operate as the election roll as per Sec 11 (1) (4) and rule 8 (1) he applied to the returning officer in writing to have his name entered in the election roll As the Municipal Council is under supersession the Prescribed authority as per Rule 8 (4) is the Amildar Gubbi Taluk having been appointed by Government to perform all the functions of the superseeded Municipal Council So far as the appellant is aware the Amildar has not passed any orders on his application

9 The procedure adopted by the Amildar Returning officer is clearly against the mandatory provisions of law (Sec 11 (b) of Municipal Regulation and Rule 8 (2) 3 & 4 of Rules of election under the said ~~Municipal~~ Regulation and is therefore illegal and iniates all further proceedings of the elections

P T.O

10 Wherefore the appellant prays that his name may be ordered to be included in the election roll and instructions may kindly issue to the Amildar to follow strictly to the Rules laid down regarding the election

G S Mahadeva Rao
Appellant

Appendix F G —1]

SUBJECT

3 V

Section

File No

Serial No

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 16/9/

Signed by

List of enclosures

Copied by

Examined by

Generate

No L3280 Vlem

To

Dear Sir,

I am desired to send enclosed herewith ~~a~~ original dy 10 9 43 received from ~~m~~ of S. Mahadevappa, Merchant, Gubbi complaining of certain irregularities in connection with the ~~revision~~ revision of the electoral ~~roll~~ for the ensuing general elections to the Gubbi Town Municipal Council and to request that a detailed report in the matter may be submitted to Govt within Three days

Yours sincerely

Govt

Encl 9

16/9

To, the D C Tumkur Asst (Hyderabad)

WD 04161—GPB—60 000—24 10 41

To, Depcom

~~The Deputy Commissioner,~~

Trichy 33

Expedite Report ~~called for~~ re constitution

~~of~~ Gudalur Town municipal council

- vide no 3280 dated 15.9.43

~~expedited~~

Cir G
23/9/43

Lawsee

for

Appendix F G—1]

SUBJECT

34

Section ml

File No

Serial No

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 24-9-43

Signed by Mr G R Rao.

Deputy Secretary

Expedite Report regarding the Tungabhadra Trunk Canal vide Govt Order No 3280 dt 15 9 43

Law Sec

List of enclosures

Copied by

Examined by

No L 3664

To

The Deputy Secretary to Government

Dear Sir,

I am directed in continuation of this office letter No L 3280 dt 15 9 43 calling for a report regarding the reconstruction of the Tungabhadra Trunk Canal, I am directed to send enclosed herewith a copy of the telegram as noted in the margin on the same subject and to request that the report called for in the matter may kindly be sent by return of post

I have the honour to be, Dear Sir, Your most obedient servant

for Secretary to Government

To, The Deputy Secretary to Government (by name)

WD 04161—GRB—60,000—21 10 41

Order No L 3835-8

In the circumstances reported by the D.C Tumkur Dt, Govt are pleased to direct, in modification of this G.O dated 14-8-43 read above, that the period of supersession of the Gubbi Town mul cl be extended upto and inclusive of 31st Dec 1943.

The D.C Tumkur is requested to take immediate action to reestablish the mul.cl. in accordance with the rules, with effect from 1st January 1944.

24

List of Enclosures

from Secretary to Govt
Law Dept

To the Revenue Commissioner
& D.C Tumkur Dt
Etc & Comptroller to Govt

Compiler Mysg Gazette for publication in Part I of the Gazette

Copied by

Examined by

WD 04162—GPB—60 000—23 10 41

2 drafts
L 3839 2 C.
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G R S App F G S

GENERAL AND REVENUE SECRETARIAT

D728/9

(Continuation sheet draft form)

& Deb Com Tumkur —
Orders assuming reestablishment Gubbi Municipality January next. Letter follows. Stay present proceedings
— Lawsea —

-Do- Mel 170-43-3

The D C Tumkur Dt

Sir,

In conforming the magnetic noted telegram dy 27 9 1943, and ~~subsequent~~ I am directed to state, with refee to your letter no C 374/43-44 dy 24 9 43, that orders have issued separately directing the reestablishment of the Gubbi Town Mel- ~~Bd~~ from 1 1-44, as the action taken ~~to~~ ~~record~~ in the direction of reestablishing the MCL would not be right with effect from 15-10-43 had ~~been~~ as it was based on an electoral roll which is nearly six years old. Since ~~the action was~~ there was no time to prepare a new electoral roll —

In this connection, Govt are enclosed to observe

WD 0282—GPB- 22 500—14 3 38

that this unfortunate position could have been avoided if the Amildar, Gubbi Tk, had taken timely action to seek orders of Govt about the continuance of otherwise of the supersession of this mill. Even after the publication of the Calendar of events, the allegations made by certain petitioners are that the Amildar did not dispose of the objection petitions

I am therefore to request you to obtain and forward the explanations of the Amildar and Returning Officer in the matter

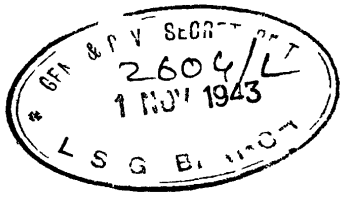
In the meanwhile, the Amildar may be instructed to proceed with the compilation and publication of a fresh voter's list, according to rules, and a fresh Calendar of events got published immediately so that the elections may be completed well in time and the mill re-established with effect from the 1st January 1964

A report of action taken in this matter may be furnished to Govt very early

Yours faithfully
Sd/-
20/1
for Secretary to Govt
Law Dept

A.6. C 374/43-44.
Enc One

Office of the Deputy Commissioner,
Tumkur District,
Tumkur, dated the 27th October 1943



From

N.Madhava Rao, Esq ,B.A ,
Deputy Commissioner,
Tumkur District

To

C Narayanaswami Naidu, Esq ,B A ,B L ,
Secretary to Government,
Law Department, Bangalore.

Re Re-establishment of Gubbi Town Municipal Council

Sir,

With reference to your letter No L 3839/M L 170-43-3 dated 28-9-43 on the above subject I have the honour to forward herewith in original the explanation of the Amildar and Returning Officer, Gubbi Town Municipality for the information of Government The Amildar could have issued an endorsement on the objection petitions received by him Not doing so is I think an omission on his part Again the whole difficulty arose out of late submission of proposals regarding the re-establishment of the Municipality If the report had been - sent up in time orders of Government could have been obtained earlier and there would have been sufficient time to observe the various formalities

However as there is no deliberate neglect of duty on the part of the Amildar and his action appears to be bona fide no further action appears to be called for

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Tumkur District

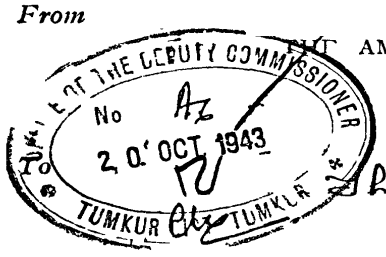
Re No 28 / 43-44

Office of the Amildar In charge
Town Municipality,

Dated GUBBI 13th October 1943

From

THE AMILDAR IN CHARGE
TOWN MUNICIPALITY
GUBBI



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To The Deputy Commissioner
Tumkur District
Tumkur

Sir,

With reference to your Memo No Ab 374/43-44 dated 30th September 1943 forwarding the copy of the Government order No 3839/FR 170-43-3 dated 28th September 1943 ordering the re-establishment of Gubbi Town Municipal Council from 1st January 1944 and calling for explanations, on the allegations made by certain petitioners stating that the Amildar did not dispose of the objection petitions etc I beg to submit as follows. The entire situation regarding the re-establishment of the Gubbi Town Municipal Council, and the action taken in view of the order of the Government and other higher officers, in the matter has been fully reported in this office No RE El 25/43-44 Dated 20th September 43 The allegation that the objection petitions were not disposed was baseless, as the same was disposed of but immediate action was taken for the election of Councillors was taken on a fresh calendar of events which had no provision for hearing objections and also the old alone would necessarily constitute the final election roll This did not satisfy, some of the petitioners, who had

no chance of voting or standing for candidates for all this matter action was taken in good faith only with a view to give effect to the orders of Government and other higher officers under these circumstances. I beg to be excused for any omissions due to unforeseen causes.

I beg to remain
Sir,
Your obedient servant
[illegible]
Assistant Engineer